

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01535-CRC**

BUZZFEED INC. v. U.S. DEPARTMENT OF EDUCATION
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 06/27/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

BUZZFEED INC.

represented by **Matthew Lynn Schafer**
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TERMINATED: 02/28/2019

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V.

Defendant

**U.S. DEPARTMENT OF
EDUCATION**

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Date Filed	#	Docket Text
06/27/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF EDUCATION (Filing fee \$ 400 receipt number 0090-5558966) filed by BUZZFEED INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Civil Cover Sheet, # <u>5</u> Summons (Topic, Matthew) (Entered: 06/27/2018)
06/27/2018	<u>2</u>	NOTICE of Appearance by Matthew Topic on behalf of BUZZFEED INC. (Topic, Matthew) (Entered: 06/27/2018)
06/29/2018		Case Assigned to Judge Christopher R. Cooper. (zsb) (Entered: 06/29/2018)
06/29/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF EDUCATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 06/29/2018)
07/11/2018	<u>4</u>	NOTICE of Appearance by Matthew Lynn Schafer on behalf of BUZZFEED INC. (Schafer, Matthew) (Entered: 07/11/2018)
07/23/2018	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF EDUCATION served on 7/13/2018 (Topic, Matthew) (Entered: 07/23/2018)
07/23/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 7/16/2018. (Topic, Matthew) (Entered: 07/23/2018)
07/23/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 7/16/2018. Answer due for ALL FEDERAL DEFENDANTS by 8/15/2018. (Topic, Matthew) (Entered: 07/23/2018)
08/15/2018	<u>8</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by U.S. DEPARTMENT OF EDUCATION (Hendry, Melanie) (Entered: 08/15/2018)
08/16/2018		MINUTE ORDER granting <u>8</u> Motion for Extension of Time to Answer. It is hereby ORDERED that Defendant's answer is due on or before September 7, 2018. Signed by Judge Christopher R. Cooper on 08/16/2018. (lccrc3) (Entered: 08/16/2018)
08/16/2018		Set/Reset Deadlines: Answer due by 9/7/2018 (lsj) (Entered: 08/16/2018)
09/06/2018	<u>9</u>	ANSWER to Complaint by U.S. DEPARTMENT OF EDUCATION.(Hendry, Melanie) (Entered: 09/06/2018)
09/06/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties promptly confer and file a joint proposed schedule for briefing or disclosure by September 21, 2018. Signed by Judge Christopher R. Cooper on 09/06/2018. (lccrc3) (Entered: 09/06/2018)
09/06/2018		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 9/21/2018 (lsj) (Entered: 09/06/2018)
09/20/2018	<u>10</u>	PROPOSED BRIEFING SCHEDULE by U.S. DEPARTMENT OF EDUCATION. (Hendry, Melanie) Modified event title on 9/24/2018 (znmw). (Entered: 09/20/2018)
09/20/2018		VACATED PURSUANT TO MINUTE ORDER ENTERED 11/16/18.....MINUTE ORDER: Upon consideration of the parties' <u>10</u> Joint Status Report, it is hereby ORDERED that the parties shall adhere to the briefing schedule as follows: Defendant's motion for summary judgment shall be filed on or before November 16, 2018; Plaintiff's cross-motion for summary judgment and opposition shall be filed on or before December 17, 2018; Defendant's opposition and reply shall be filed on or before January 25, 2019; Plaintiff's reply shall be filed on or before February 15, 2019. Signed by Judge Christopher R. Cooper on 09/20/2018. (lccrc3) Modified on 11/19/2018 (zlsj). (Entered: 09/20/2018)

09/21/2018		Set/Reset Deadlines: Summary Judgment motions due by 11/16/2018. Response to Motion for Summary Judgment due by 12/17/2018. Reply to Motion for Summary Judgment due by 1/25/2019. Replies due by 2/15/2019. (lsj) (Entered: 09/21/2018)
11/15/2018	<u>11</u>	Consent MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by U.S. DEPARTMENT OF EDUCATION (Hendry, Melanie) (Entered: 11/15/2018)
11/16/2018		VACATED PURSUANT TO MINUTE ORDER ENTERED 12/7/2018.....MINUTE ORDER granting <u>11</u> Motion for Extension of Time to File and vacating the briefing schedule entered on September 20, 2018. The parties shall adhere to a briefing schedule as follows: Defendant shall file its motion for summary judgment on or before December 7, 2018; Plaintiff shall file its opposition and cross-motion for summary judgment on or before January 7, 2019; Defendant shall file its reply and opposition on or before February 15, 2019; Plaintiff shall file its reply on or before March 8, 2019. Signed by Judge Christopher R. Cooper on 11/16/2018. (lccrc3) Modified on 12/10/2018 (zlsj). (Entered: 11/16/2018)
11/19/2018		Set/Reset Deadlines: Summary Judgment motions due by 12/7/2018. Response to Motion for Summary Judgment due by 1/7/2019. Reply to Motion for Summary Judgment due by 2/15/2019. Replies due by 3/8/2019. (lsj) (Entered: 11/19/2018)
12/06/2018	<u>12</u>	Consent MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by U.S. DEPARTMENT OF EDUCATION (Hendry, Melanie) (Entered: 12/06/2018)
12/07/2018		VACATED PURSUANT TO MINUTE ORDER ENTERED 12/21/2018.....MINUTE ORDER granting Defendant's <u>12</u> Motion for Extension of Time to File and vacating the briefing schedule entered on 11/16/2018. The parties shall adhere to the following briefing schedule: Defendant shall file its motion for summary judgment on or before December 21, 2018; Plaintiff shall file its opposition and cross-motion for summary judgment on or before January 22, 2019; Defendant shall file its reply and opposition on or before March 1, 2019; Plaintiff shall file its reply on or before March 22, 2019. Signed by Judge Christopher R. Cooper on 12/07/2018. (lccrc3) Modified on 12/21/2018 (zlsj). (Entered: 12/07/2018)
12/10/2018		Set/Reset Deadlines: Summary Judgment motions due by 12/21/2018. Response to Motion for Summary Judgment due by 1/22/2019. Reply to Motion for Summary Judgment due by 3/1/2019. Responses due by 3/22/2019 (lsj) (Entered: 12/10/2018)
12/21/2018	<u>13</u>	MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by U.S. DEPARTMENT OF EDUCATION (Hendry, Melanie) (Entered: 12/21/2018)
12/21/2018		VACATED PURSUANT TO ORDER FILED ON 2/7/2019.....MINUTE ORDER granting Defendant's <u>13</u> Motion for Extension of Time and vacating the briefing schedule entered on 12/7/2018. The parties shall adhere to the following briefing schedule, and no further extensions shall be granted to Defendant: Defendant shall file its motion for summary judgment on or before February 6, 2019; Plaintiff shall file its opposition and cross-motion for summary judgment on or before March 6, 2019; Defendant shall file its reply and opposition on or before April 5, 2019; Plaintiff shall file its reply on or before April 26, 2019. Signed by Judge Christopher R. Cooper on 12/21/2018. (lccrc3) Modified on 2/7/2019 (znbn). (Entered: 12/21/2018)
12/21/2018		Set/Reset Deadlines: Summary Judgment motions due by 2/6/2019. Response to Motion for Summary Judgment due by 3/6/2019. Reply to Motion for Summary Judgment due by 4/5/2019. Plaintiff's Reply due by 4/26/2019. (lsj) (Entered: 12/21/2018)
02/05/2019	<u>14</u>	Unopposed MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> , Unopposed MOTION to Modify <i>Briefing Schedule</i> by U.S. DEPARTMENT OF EDUCATION (Lyons, Jane) (Entered: 02/05/2019)
02/07/2019		VACATED PURSUANT TO MINUTE ORDER ENTERED 4/16/2019.....MINUTE ORDER granting <u>14</u> Motion to Modify Briefing Schedule and vacating the schedule entered on December 21, 2018. The parties shall adhere to the following briefing schedule: Defendant shall file its motion for summary judgment on or before February 13, 2019; Plaintiff shall file its opposition and cross-motion for summary judgment on or before March 13, 2019; Defendant shall file its reply and opposition on or before April 12, 2019; Plaintiff shall file its reply on or before May 3, 2019. Signed by Judge Christopher R. Cooper on 02/07/2019. (lccrc3) Modified on 4/16/2019 (zlsj). (Entered: 02/07/2019)

		02/07/2019)
02/07/2019		Set/Reset Deadlines: Summary Judgment motions due by 2/13/2019. Response to Motion for Summary Judgment due by 3/13/2019. Reply to Motion for Summary Judgment due by 4/12/2019. Replies due by 5/3/2019. (znbn) (Entered: 02/07/2019)
02/13/2019	<u>15</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Kristine Minami, # <u>3</u> Declaration of Lauren E.M. Skerrett, # <u>4</u> Declaration of Robert Carey, # <u>5</u> Declaration of David R. Sumners)(Hendry, Melanie) (Entered: 02/13/2019)
02/28/2019	<u>16</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to BUZZFEED INC.. Attorney Matthew Lynn Schafer terminated. (Schafer, Matthew) (Entered: 02/28/2019)
03/13/2019	<u>17</u>	MOTION for Summary Judgment <i>Plaintiff's Combined Cross Motion for Summary Judgment and Memorandum of Points and Authorities in Opposition to Defendant's Summary Judgment Motion and in Support of Plaintiff's Cross-Motion for Summary Judgment</i> by BUZZFEED INC. (Attachments: # <u>1</u> Statement of Facts Plaintiff's Statement of Undisputed Facts, # <u>2</u> Exhibit A – Imagine Prep, # <u>3</u> Exhibit B – Adams County, # <u>4</u> Exhibit C – East St. Louis, # <u>5</u> Exhibit D – Paducah, # <u>6</u> Exhibit E – Massachusetts College, # <u>7</u> Exhibit F – Baraboo, # <u>8</u> Exhibit G –Topic Declaration, # <u>9</u> Text of Proposed Order Proposed Order)(Topic, Matthew) (Entered: 03/13/2019)
03/13/2019	<u>18</u>	RESPONSE re <u>15</u> MOTION for Summary Judgment <i>Plaintiff's Response to Defendant's Statement of Undisputed Facts</i> filed by BUZZFEED INC.. (Topic, Matthew) (See also Docket Entry <u>17</u> to view opposition). Modified on 3/18/2019 (znmw). (Entered: 03/13/2019)
03/25/2019	<u>19</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BUZZFEED INC. (Topic, Matthew) (Entered: 03/25/2019)
04/11/2019	<u>20</u>	Consent MOTION for Extension of Time to File Response/Reply by U.S. DEPARTMENT OF EDUCATION (Hendry, Melanie) (Entered: 04/11/2019)
04/16/2019		MINUTE ORDER granting <u>20</u> Motion for Extension of Time to File Response and vacating the briefing schedule entered on February 7, 2019. Defendant shall file its Opposition to Plaintiff's Motion for Summary Judgment and Reply on or before May 3, 2019; Plaintiff shall file its Reply on or before May 24, 2019. No further extensions will be granted. Signed by Judge Christopher R. Cooper on 04/16/2019. (lccrc3) (Entered: 04/16/2019)
04/16/2019		Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 5/3/2019. Replies due by 5/24/2019. (lsj) (Entered: 04/16/2019)
05/03/2019	<u>21</u>	Memorandum in opposition to re <u>17</u> MOTION for Summary Judgment <i>Plaintiff's Combined Cross Motion for Summary Judgment and Memorandum of Points and Authorities in Opposition to Defendant's Summary Judgment Motion and in Support of Plaintiff's Cross-Motion for Summary J</i> filed by U.S. DEPARTMENT OF EDUCATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of Karen L. Mayo–Tall)(Hendry, Melanie) (Entered: 05/03/2019)
05/03/2019	<u>22</u>	REPLY to opposition to motion re <u>15</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF EDUCATION. (Attachments: # <u>1</u> Declaration of Karen L. Mayo–Tall)(Hendry, Melanie) (Entered: 05/03/2019)
05/21/2019	<u>23</u>	REPLY to opposition to motion re <u>17</u> MOTION for Summary Judgment <i>Plaintiff's Combined Cross Motion for Summary Judgment and Memorandum of Points and Authorities in Opposition to Defendant's Summary Judgment Motion and in Support of Plaintiff's Cross-Motion for Summary J</i> filed by BUZZFEED INC.. (Topic, Matthew) (Entered: 05/21/2019)
06/13/2019	<u>24</u>	ORDER requiring the Defendant to provide records for <i>in camera</i> review and to provide supplemental declarations. See full Order for details. Signed by Judge Christopher R. Cooper on 06/13/2019. (lccrc3) (Entered: 06/13/2019)
06/13/2019		Set/Reset Deadlines: Defendant's In–Camera Submission due by 6/20/2019. (lsj) (Entered: 06/13/2019)

06/27/2019	<u>25</u>	NOTICE of Submission for In Camera Review by U.S. DEPARTMENT OF EDUCATION re <u>24</u> Order (Hendry, Melanie) (Entered: 06/27/2019)
06/27/2019	<u>26</u>	Unopposed MOTION for Extension of Time to File <i>Supplemental Declaration and Submit Documents for In Camera Review</i> by U.S. DEPARTMENT OF EDUCATION (Hendry, Melanie) (Entered: 06/27/2019)
07/01/2019		MINUTE ORDER granting <u>26</u> Motion for Extension of Time to File. Defendant shall file the supplemental declarations described in the Court's <u>24</u> Order on or before July 10, 2019. Signed by Judge Christopher R. Cooper on 07/01/2019. (lccrc3) (Entered: 07/01/2019)
07/02/2019		Set/Reset Deadlines: Supplemental Declarations due by 7/10/2019. (lsj) (Entered: 07/02/2019)
07/10/2019	<u>27</u>	Unopposed MOTION for Order for <i>Leave to Submit Declarations Ex Parte and In Camera</i> by U.S. DEPARTMENT OF EDUCATION (Attachments: # <u>1</u> Declaration Kristine Minami, # <u>2</u> Declaration David R. Sumners (Redacted), # <u>3</u> Declaration Lauren E.M. Skerrett (Redacted), # <u>4</u> Declaration Robert Carey (Redacted))(Hendry, Melanie) (Entered: 07/10/2019)
07/10/2019		MINUTE ORDER granting <u>27</u> Motion for Leave to file declarations <i>ex parte</i> and <i>in camera</i> . Defendant may deliver to Chambers the unredacted versions of the declarations appended as exhibits to its <u>27</u> Motion. Signed by Judge Christopher R. Cooper on 07/10/2019. (lccrc3) (Entered: 07/10/2019)
07/10/2019	<u>28</u>	NOTICE of Submission for In Camera Review by U.S. DEPARTMENT OF EDUCATION (Hendry, Melanie) (Entered: 07/10/2019)
08/06/2019	<u>29</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of BUZZFEED INC. (Wayne, Merrick) (Entered: 08/06/2019)
08/07/2019	<u>30</u>	NOTICE OF SUBSTITUTION OF COUNSEL by John Moustakas on behalf of U.S. DEPARTMENT OF EDUCATION Substituting for attorney Melanie Hendry (Moustakas, John) (Entered: 08/07/2019)
08/07/2019	<u>31</u>	OPINION AND ORDER denying without prejudice <u>15</u> Defendant's Motion for Summary Judgment; denying without prejudice <u>17</u> Plaintiff's Motion for Summary Judgment; and remanding the matter to the Defendant. See full Order for details. Signed by Judge Christopher R. Cooper on 08/07/2019. (lccrc3) (Entered: 08/07/2019)
08/08/2019		Set/Reset Deadlines: Joint Status Report due by 9/23/2019 (lsj) (Entered: 08/08/2019)
09/23/2019	<u>32</u>	Joint MOTION for Extension of Time to File <i>Joint Status Report</i> by U.S. DEPARTMENT OF EDUCATION (Moustakas, John) (Entered: 09/23/2019)
09/23/2019		MINUTE ORDER granting <u>32</u> Motion for Extension of Time to File Joint Status Report. The next report shall be filed on or before October 7, 2019. If any disputes remain at that time, the joint status report shall include a schedule for prompt briefing. Signed by Judge Christopher R. Cooper on 09/23/2019. (lccrc3) (Entered: 09/23/2019)
09/24/2019		Set/Reset Deadlines: Joint Status Report due by 10/7/2019 (lsj) (Entered: 09/24/2019)
10/07/2019	<u>33</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF EDUCATION. (Moustakas, John) (Entered: 10/07/2019)
10/09/2019		MINUTE ORDER: In light of <u>33</u> Joint Status Report, the parties are hereby ORDERED to submit a further Joint Status Report on or before Thursday, November 7, 2019. Signed by Judge Christopher R. Cooper on 10/9/2019. (lccrc3) (Entered: 10/09/2019)
10/09/2019		Set/Reset Deadlines: Joint Status Report due by 11/7/2019 (lsj) (Entered: 10/09/2019)
11/07/2019	<u>34</u>	Joint STATUS REPORT by BUZZFEED INC.. (Topic, Matthew) (Entered: 11/07/2019)
11/08/2019		MINUTE ORDER: In light of <u>34</u> Joint Status Report, the parties are hereby ORDERED to submit a further Joint Status Report on or before Monday, December 9, 2019. Signed by Judge Christopher R. Cooper on 11/8/2019. (lccrc3) (Entered: 11/08/2019)

11/08/2019		Set/Reset Deadlines: Joint Status Report due by 12/9/2019. (znbn) (Entered: 11/08/2019)
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